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Jc712 U.S. PRO

A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: UTXC:528--1

Prior Application Examiner:  
Levy, N.

Assistant Commissioner for Patents  
Washington, D.C. 20231

Classification Designation:  
424-405.000

Prior Group Art Unit: 1617

Jc675 U.S. PRO  
09/415890  
10/08/99

CERTIFICATE OF EXPRESS MAILING

NUMBER EL258326531US

DATE OF DEPOSIT October 8, 1999

REQUEST FOR FILING CONTINUATION APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/911,607 filed August 15, 1997, entitled "PARENTERAL PIMARICIN AS TREATMENT OF SYSTEMIC INFECTIONS."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/911,607 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful

false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☐ The inventorship is the same as prior Application Serial No. 08/911,607.

(b) ☒ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No.

- ☒ 2. Enclosed is a check in the amount of \$695.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$380.00
Total Claims	55 - 20 =	35 X	\$9.00 =	\$315.00
Independent Claims	3 - 3 =	0 X	\$39.00 =	\$0.00
Multiple Dependent Claim(s) -----				\$-0-.00
<b>TOTAL FILING FEES:</b>				<b>\$695.00</b>
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE

- ☒ 3. Applicant is entitled to Small Entity Status for this application.
- ☒ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Arnold White & Durkee Deposit Account No. 01-2508/UTXC:528--1/PAR.
- ☐ 5. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 6. Address all future communications to:

David L. Parker  
ARNOLD WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210  
(512) 418-3000

- ☒ 7. The prior application is presently assigned to Board of Regents, The University of Texas System.
- ☒ 8. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 9. Cancel in this application claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☒ 10. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. 08/911,607 filed August 15, 1997--.
- ☐ 11. Enclosed are formal drawings.
- ☐ 12. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 13. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. filed , for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. filed . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.
- ☒ 14. Other: Exhibit A

- ☒ 15. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,

David L. Parker  
Reg. No. 32,165  
Attorney for Applicant

ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433  
(512) 418-3000

Date: October 8, 1999

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §  
Borje S. Andersson §  
Serial No.: Unknown § Examiner: Unknown  
Filed: October 8, 1999 § Group Art Unit: Unknown  
For: PHARMACOLOGICALLY § Atty. Dkt.: UTXC:528--1/PAR  
ACCEPTABLE SOLVENT VEHICLES §  
§

JC675 U.S. PTO  
09/415890  
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**STATEMENT REQUESTING DELETION OF AN INVENTOR**  
**UNDER 37 CFR § 1.63(d)(2) and 1.33(b)**

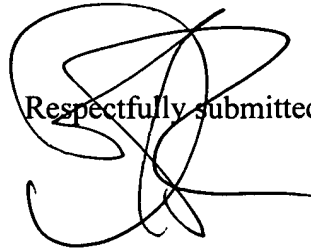
Sir:

Co-pending U.S. Patent Application Serial No. 08/911,607 entitled "PARENTERAL PIMARICIN AS TREATMENT OF SYSTEMIC INFECTIONS" was filed on August 15, 1997, properly naming as inventors, Borje S. Andersson and Elias J. Anaissie. The above captioned continuation Patent Application claiming priority to co-pending U.S. Patent Application Serial No. 08/911,607 is being filed herewith this paper. Also being filed herewith is a Preliminary Amendment canceling the claims and filing new claims for the present Patent Application.

Elias J. Anaissie is no longer an inventor of a claim remaining in the present Patent Application. It is respectfully requested that Elias J. Anaissie be deleted as an inventor in the captioned Patent Application.

No fees are believed to be due in connection with the filing of this Statement Requesting Deletion of an Inventor, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed

necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fees from Arnold White & Durkee Deposit Account No. 01-2508/UTXC:528--1/PAR.

  
Respectfully submitted,

David L. Parker  
Reg. No. 32,165

ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210  
512-418-3000

Attorney for Applicants

Date: October 8, 1999